

HOUSE RESEARCH ORGANIZATION • TEXAS HOUSE OF REPRESENTATIVES
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HOUSE RESEARCH ORGANIZATION

———— daily floor report ————

Thursday, January 13, 2005
79th Legislature, Number 3
The House convenes at 9 a.m.

The House today is expected to consider HR 5 by Keel, et al., the proposed House rules for the 79th Legislature. A summary of the proposed changes begins on page 2.

Yesterday, the House adopted HR 4 by Pitts, et al., suspending the constitutional order-of-business provision. A discussion of this provision is on page 4.

Please complete your ballot to approve or disapprove the slate of seven members nominated to serve four-year terms on the House Research Organization Steering Committee and return it to the HRO office in Room 420 of the John H. Reagan Building by 5 p.m. tomorrow.



Dianne White Delisi
Acting Chairman
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PROPOSED HOUSE RULE CHANGES

HR 5 by Keel, et al., the proposed changes in the House Rules for the 79th Legislature, distributed to the members on Tuesday, would amend the rules used during the 78th Legislature. The proposed changes are summarized below, with the rules affected and the page numbers of the proposed changes cited in parentheses.

Recorded Votes

The yeas and nays of the members would be recorded in the House Journal if requested by any member of the House rather than by any three members (Rule 5, sec. 51(a), pages 93 and 94; Rule 7, sec. 22, page 121; Rule 11, sec. 10(b), page 154).

If a motion was approved "without objection," it would be the functional equivalent of a recorded vote. The House Journal would show every member present as voting in favor of the motion except for members who registered a different vote. However, passage of a measure "without objection" would not satisfy a requirement in the Texas Constitution or the House Rules that a vote be taken by the yeas and nays and entered in the Journal, particularly the required vote (two-thirds of the membership) for a bill to take immediate effect (Rule 5, sec. 51(b), page 94).

References to "nonrecord vote" would be deleted and replaced by referring to when a record of the yeas and nays has not been ordered (Rule 5, sec. 52, page 94; Rule 7, sec. 37, page 125; Rule 2, sec. 2, page 14). The chief clerk no longer would include a notation on certified copies of a bill or joint resolution that the measure was finally approved by a "nonrecord vote" if a record of the yeas and nays had not been ordered (Rule 2, sec. 1, pages 10 and 11).

Rule 1, sec. 7 currently states that division votes, in which the members vote yea or nay using the voting machine but the votes are not recorded, shall not be printed in the Journal unless a record vote of the yeas and nays has been ordered in accordance with the rules. This provision would be changed to state that the decision on any question put to the House would be printed in the Journal and would include a record of the yeas and nays if ordered under the rules (page 4).

Committees – Organization and Jurisdiction

Rule 3, which lists the standing committees and describes their jurisdiction, would be reorganized to place the committees in alphabetical order.

The General Investigating Committee would be renamed the General Investigating and Ethics Committee, with jurisdiction over the conduct and ethical standards of state and local government officials and employees (Rule 3, sec. 16, page 29; Rule 4, sec. 2(5), page 47 and sec. 12, page 53).

The Judicial Affairs Committee would be renamed the Judiciary Committee (Rule 3, sec. 22, page 33).

The committee jurisdictions over state agencies would be updated to reflect the agencies added, abolished, or reorganized by the 78th Legislature.

The Human Services Committee would have jurisdiction over mental retardation, which would be shifted from the Public Health Committee (Rule 3, sec. 20, page 32 and sec. 32, pages 38 and 39).

The State Affairs Committee would have jurisdiction over the regulation of residential construction and the new Texas Residential Construction Commission (Rule 3, sec. 36, page 42). (HB 730 by Ritter, which created the commission, was referred to the Regulated Industries Committee during the 2003 regular session.)

Committees – Procedure

The proposed rules would delete a provision added in 2003 requiring a committee chair or vice-chair to vacate the position if the member resigned, ceased to be a member, or failed to be nominated or elected to the Legislature for another term, with the speaker designating a person to fill the vacancy (Rule 4, sec. 5(b), page 49).

A subcommittee could, but no longer would be required to, submit a written report to the full committee (Rule 4, sec. 49, page 73). A standing committee could schedule action on a subcommittee report after a copy had been provided to each committee member for 24, rather than 48, hours (Rule 4, sec. 50, page 73).

CONSTITUTIONAL ORDER-OF-BUSINESS PROVISION

Art. 3, sec. 5(b) of the Texas Constitution requires the Legislature to devote the first 30 days of the regular legislative session exclusively to the introduction of bills and resolutions, emergency appropriations, emergency matters submitted by the governor, and Senate confirmation of recess appointees. During the second 30 days, committees are to hold hearings to consider pending legislation and emergency matters. During the remainder of the session, both houses may act on pending legislation without restriction.

The Constitution allows each house to suspend the order-of-business restrictions by a four-fifths vote of its membership. The House usually suspends this provision early in the session, as it did yesterday when it adopted HR 4 by Pitts, et al. by 131-6-2. As a result, the House may consider non-emergency legislation during first 60 days of the session, subject to its own rules.

With the exception of 1981, when the motion to suspend the provision failed to receive the necessary four-fifths vote of the membership, and 1983, when no one offered a motion to suspend the provision, the House has suspended the order-of-business restrictions in every regular session since the provision was first adopted in 1930.

In addition to the constitutional restrictions, Senate rules require a four-fifths vote of the membership (25 votes) to allow floor consideration of all but emergency and local bills during the first 60 days of the regular session. The Senate usually suspends this restriction on a bill-by-bill basis rather than making a general suspension as the House does. The 60th day of this session is Friday, March 11.